

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

**THE LUTHERAN CHURCH – MISSOURI
SYNOD, a Missouri nonprofit corporation**
Plaintiff,

v.

**DONALD CHRISTIAN, CHRISTOPHER
BANNWOLF, CONCORDIA
UNIVERSITY TEXAS, INC., & JOHN
DOES 1-12**
Defendants

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Case No. 1:23-cv-1042-RP

**CONCORDIA UNIVERSITY TEXAS, INC.’S OBJECTIONS TO LCMS’S
EXHIBIT A TO THIRD-PARTY SUBPOENAS**

Concordia University Texas, Inc. serves its Objections to Exhibit A, the Requests for Documents, in LCMS’s Third-Party Subpoenas issued to Alan Taylor, Nathaniel Hill, and Tom Zachman.

Respectfully submitted,

/s/ Daniel R. Richards

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DONALD CHRISTIAN AND CHRISTOPHER
BANNWOLF**

CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of September 2024, I served the above and foregoing document, via email to:

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/s/ Daniel R. Richards

DANIEL R. RICHARDS

OBJECTIONS TO LCMS'S EXHIBIT A – REQUEST FOR DOCUMENTS

1. Your notes from all CTX Board of Regents meetings from January 2000 to date.

OBJECTIONS: CTX objects to this request as overly broad and seeking irrelevant information. CTX further objects to this request as it seeks information protected by the 1st Amendment rights of freedom of religion and freedom of association. CTX further objects to this request to the extent that it covers information protected by attorney-client privilege and/or work product privilege.

2. Your communications to any other member of the CTX Board of Regents from January 2000 to date.

OBJECTIONS: CTX objects to this request as overly broad and seeking irrelevant information. CTX further objects to this request as it seeks information protected by the 1st Amendment rights of freedom of religion and freedom of association. CTX further objects to this request to the extent that it covers information protected by attorney-client privilege and/or work product privilege.

3. Your communications with any person concerning the CTX Amendments (as that term is defined in LCMS's most recently amended Complaint), before the CTX Amendments were passed.

OBJECTIONS: CTX objects to this request as it seeks information protected by the 1st Amendment rights of freedom of religion and freedom of association. CTX further objects to this request to the extent that it covers information protected by attorney-client privilege and/or work product privilege.

4. Your communications with any person concerning the CTX Amendments (as that term is defined in LCMS's most recently amended Complaint), after the CTX Amendments were passed.

OBJECTIONS: CTX objects to this request as it seeks information protected by the 1st Amendment rights of freedom of religion and freedom of association. CTX further objects to this request to the extent that it covers information protected by attorney-client privilege and/or work product privilege.

5. The documents concerning the intent of the CTX Amendments.

OBJECTIONS: CTX objects to this request as it seeks information protected by the 1st Amendment rights of freedom of religion and freedom of association. CTX further objects to this request to the extent that it covers information protected by attorney-client privilege and/or work-product privilege.

6. The documents concerning any oath of office you took either as a member of the CTX Board of Regents, or as Chair of the Board of Regents.

OBJECTIONS: None.

7. Copies of Minority Reports from 2020 to the present.

OBJECTIONS: CTX objects to this request as it seeks information protected by the 1st Amendment rights of freedom of religion and freedom of association. CTX further objects to this request to the extent that it covers information protected by attorney-client privilege.

8. Your communications with Kristi Kirk concerning the CTX Amendments.

OBJECTIONS: CTX objects to this request as it seeks information protected by the 1st Amendment rights of freedom of religion and freedom of association. CTX further objects to this request to the extent that it covers information protected by attorney-client privilege and/or work product privilege.

9. Your communications with Donald Christian concerning the CTX Amendments.

OBJECTIONS: CTX objects to this request as it seeks information protected by the 1st Amendment rights of freedom of religion and freedom of association. CTX further objects to this request to the extent that it covers information protected by attorney-client privilege and/or work product privilege.

10. Your communications with Christopher Bannwolf concerning the CTX Amendments.

OBJECTIONS: CTX objects to this request as it seeks information protected by the 1st Amendment rights of freedom of religion and freedom of association. CTX further objects to this request to the extent that it covers information protected by attorney-client privilege and/or work product privilege.

11. Any preliminary drafts of the CTX Amendments.

OBJECTIONS: CTX objects to this request as it seeks information protected by the 1st Amendment rights of freedom of religion and freedom of association. CTX further objects to this request to the extent that it covers information protected by attorney-client privilege and/or work product privilege.

12. Your communications with CTX Board of Regents members concerning the seating of board members following the passage of the CTX Amendments.

OBJECTIONS: CTX objects to this request as it seeks information protected by the 1st Amendment rights of freedom of religion and freedom of association. CTX further objects

to this request to the extent that it covers information protected by attorney-client and/or work product privilege.

13. Your communications with Defendant Christian concerning the seating of board members following the passage of CTX Amendments.

OBJECTIONS: CTX objects to this request as it seeks information protected by the 1st Amendment rights of freedom of religion and freedom of association. CTX further objects to this request to the extent that it covers information protected by attorney-client and/or work product privilege.

14. Your communications with Defendant Bannwolf concerning the seating of board members following the passage of CTX Amendments.

OBJECTIONS: CTX objects to this request as it seeks information protected by the 1st Amendment rights of freedom of religion and freedom of association. CTX further objects to this request to the extent that it covers information protected by attorney-client and/or work product privilege.

15. Your communications with Kristi Kirk concerning the seating of board members following the passage of CTX Amendments.

OBJECTIONS: CTX objects to this request as it seeks information protected by the 1st Amendment rights of freedom of religion and freedom of association. CTX further objects to this request to the extent that it covers information protected by attorney-client and/or work product privilege.

16. Your communications with CTX donors concerning the CTX Amendments.

OBJECTIONS: CTX objects to this request to the extent it seeks the names of CTX's donors or other information protected by the 1st Amendment rights of freedom of religion and freedom of association.

17. Any communications with any individual (other than your attorneys) advising CTX regarding CTX Amendments.

OBJECTIONS: CTX objects to the extent this request seeks information protected by the 1st Amendment rights of freedom of religion and freedom of association. CTX further objects to this request to the extent that it covers information protected by attorney-client and/or work product privilege.

18. Your communications with Defendant Christian concerning Defendant Christian's email, dated November 9, 2022 (CTX 000247).

OBJECTIONS: CTX objects to this request as it seeks information protected by the 1st Amendment rights of freedom of religion and freedom of association.

19. Any recordings of CTX Board of Regents meetings from January 2000 to date.

OBJECTIONS: CTX objects to this request as overly broad and seeking irrelevant information. CTX further objects to this request as it seeks information protected by the 1st Amendment rights of freedom of religion and freedom of association. CTX further objects to this request to the extent that it covers information protected by attorney-client and/or work product privilege.

20. Any documents presented to the CTX Board of Regents at its November 8, 2022, meeting.

OBJECTIONS: CTX objects to this request as it seeks information protected by the 1st Amendment rights of freedom of religion and freedom of association. CTX further objects to this request to the extent that it covers information protected by attorney-client and/or work product privilege.

21. Any video presentations shown to CTX Board of Regents at its November 8, 2022, meeting.

OBJECTIONS: CTX is not aware of any such videos. To the extent such videos exist, CTX objects to this request as it seeks information protected by the 1st Amendment rights of freedom of religion and freedom of association. CTX further objects to this request to the extent that it covers information protected by attorney-client and/or work product privilege.

22. Any computer-generated presentations shown to the CTX Board of Regents at its November 8, 2022, meeting.

OBJECTIONS: CTX objects to this request as it seeks information protected by the 1st Amendment rights of freedom of religion and freedom of association. CTX further objects to this request to the extent that it covers information protected by attorney-client and/or work product privilege.

23. Any documents presented to the CTX Board of Regents at its April 4, 2023, meeting.

OBJECTIONS: CTX further objects to this request as it seeks information protected by the 1st Amendment rights of freedom of religion and freedom of association. CTX further objects to this request to the extent that it covers information protected by attorney-client and/or work product privilege.

24. Any video presentations shown to the CTX Board of Regents at its April 4, 2023, meeting.

OBJECTIONS: CTX is not aware of any such videos. To the extent such videos exist, CTX objects to this request as it seeks information protected by the 1st Amendment rights of freedom of religion and freedom of association. CTX further objects to this request to the extent that it covers information protected by attorney-client and/or work product privilege.

25. Any computer-generated presentations shown to the CTX Board of Regents at its April 4, 2023, meeting.

OBJECTIONS: CTX objects to this request as it seeks information protected by the 1st Amendment rights of freedom of religion and freedom of association. CTX further objects to this request to the extent that it covers information protected by attorney-client and/or work product privilege.

26. Any communications between officers or agents of CTX and The LCMS regarding CTX amendments to its governing documents or policies occurring between 2021 to the present (these amendments are collectively referred to as “CTX Amendments”).

OBJECTIONS: None.

27. The communications between members of CTX Board of Regents relating to CTX Amendments, including communications leading up to the passing of CTX Amendments and the April 4, 2023, Board of Regents meeting reaffirming the passing of CTX Amendments.

OBJECTIONS: CTX objects to this request as it seeks information protected by the 1st Amendment rights of freedom of religion and freedom of association. CTX further objects to this request to the extent that it covers information protected by attorney-client and/or work product privilege.

28. The communications between any member of CTX Board of Regents and Defendant Christian relating to CTX Amendments, including communications leading up to the passing of CTX Amendments and the April 4, 2023, Board of Regents meeting reaffirming the passing of CTX Amendments.

OBJECTIONS: CTX objects to this request as it seeks information protected by the 1st Amendment rights of freedom of religion and freedom of association. CTX further objects to this request to the extent that it covers information protected by attorney-client and/or work product privilege.

29. The communications between any member of CTX Board of Regents and Kristi Kirk relating to CTX Amendments, including communications leading up to the passing of CTX Amendments and the April 4, 2023, Board of Regents meeting reaffirming the passing of CTX Amendments.

OBJECTIONS: CTX objects to this request as it seeks information protected by the 1st Amendment rights of freedom of religion and freedom of association. CTX further objects to this request to the extent that it covers information protected by attorney-client and/or work product privilege.

30. The communications between any member of CTX Board of Regents and Defendant Bannwolf relating to CTX Amendments, including communications regarding the passing of CTX Amendments and the April 4, 2023, Board of Regents meeting reaffirming the passing of CTX Amendments.

OBJECTIONS: CTX further objects to this request as it seeks information protected by the 1st Amendment rights of freedom of religion and freedom of association. CTX further objects to this request to the extent that it covers information protected by attorney-client and/or work product privilege.

31. Any preliminary drafts of The CTX Amendments.

OBJECTIONS: CTX objects to this request as it seeks information protected by the 1st Amendment rights of freedom of religion and freedom of association. CTX further objects to this request to the extent that it covers information protected by attorney-client and/or work product privilege.

32. The communications between members of the CTX Board of Regents relating to the effect of CTX Amendments.

OBJECTIONS: CTX further objects to this request as it seeks information protected by the 1st Amendment rights of freedom of religion and freedom of association. CTX further objects to this request to the extent that it covers information protected by attorney-client and/or work product privilege.

33. The communications between any member of the CTX Board of Regents and anyone other than another board member, Defendant Christian, Defendant Bannwolf or Kristi Kirk relating to the effect of CTX Amendments.

OBJECTIONS: CTX objects to this request to the extent it seeks information protected by the 1st Amendment rights of freedom of religion and freedom of association. CTX further objects to this request to the extent that it covers information protected by attorney-client and/or work product privilege.

34. The documents reflecting real property owned by CTX, or in which CTX has an ownership interest, even if that interest is subject to a lien or any other encumbrance.

OBJECTIONS: None.

35. The documents reflecting any attempt to sell or otherwise market real property owned by CTX, or in which CTX has an ownership interest, even if that interest is subject to a lien or any other encumbrance.

OBJECTIONS: None.

36. The communications between CTX Board of Regents members regarding the seating of board members following the passage of CTX Amendments.

OBJECTIONS: CTX objects to this request as it seeks information protected by the 1st Amendment rights of freedom of religion and freedom of association. CTX further objects to this request to the extent that it covers information protected by attorney-client and/or work product privilege.

37. The communications between any CTX Board of Regents member and Defendant Christian regarding the seating of board members following the passage of CTX Amendments.

OBJECTIONS: CTX objects to this request as it seeks information protected by the 1st Amendment rights of freedom of religion and freedom of association. CTX further objects to this request to the extent that it covers information protected by attorney-client and/or work product privilege.

38. The communications between any CTX Board of Regents member and Kristi Kirk regarding the seating of board members following the passage of CTX Amendments.

OBJECTIONS: CTX objects to this request as it seeks information protected by the 1st Amendment rights of freedom of religion and freedom of association. CTX further objects to this request to the extent that it covers information protected by attorney-client and/or work product privilege.

39. The communications between any CTX Board of Regents member and Defendant Bannwolf regarding the seating of board members following the passage of CTX Amendments.

OBJECTIONS: CTX objects to this request as it seeks information protected by the 1st Amendment rights of freedom of religion and freedom of association. CTX further objects to this request to the extent that it covers information protected by attorney-client and/or work product privilege.

40. Any communications with individual donors regarding CTX's actions in passing CTX Amendments.

OBJECTIONS: CTX objects to this request to the extent it seeks the names of CTX's donors or other information protected by the 1st Amendment rights of freedom of religion and freedom of association.

41. The documents relating to CTX's refusal to seat regents elected at the 2023 Synod Convention.

OBJECTIONS: CTX objects to this request to the extent it seeks information protected by the 1st Amendment rights of freedom of religion and freedom of association. CTX further objects to this request to the extent that it covers information protected by attorney-client and/or work product privilege.

42. Any documents relating to resolutions adopted at the 2023 Synod Convention including all documents relating to Defendant Christian's, Defendant Bannwolf's or CTX's reactions or responses to these resolutions.

OBJECTIONS: CTX objects to this request to the extent it seeks information protected by the 1st Amendment rights of freedom of religion and freedom of association. CTX further objects to this request to the extent that it covers information protected by attorney-client and/or work product privilege.

43. Any documents reflecting how each individual member of the CTX Board of Regents voted relating to each of the key resolutions presented in meetings on November 8, 2022, and April 4, 2023, as well as any documents reflecting the views of such members relating to CTX's changes to its governing documents and policies.

OBJECTIONS: CTX objects to this request as it seeks information protected by the 1st Amendment rights of freedom of religion and freedom of association. CTX further objects to the extent this request seeks documents protected by the attorney-client and work product privilege.

44. Any document reflecting how you voted relating to each of the key resolutions presented in meetings on November 8, 2022, and April 4, 2023.

OBJECTIONS: CTX objects to this request to the extent it seeks information protected by the 1st Amendment rights of freedom of religion and freedom of association.

45. Any documents regarding communications with individual members of the Texas District Board of Directors or with any congregation of the Texas District regarding CTX Amendments.

OBJECTIONS: CTX objects to this request to the extent it seeks information protected by the 1st Amendment rights of freedom of religion and freedom of association. CTX further objects to the extent this request seeks documents protected by the attorney-client and work product privilege.

46. A copy of each draft of the Lutheran Identity statement.

OBJECTIONS: CTX objects to this request as seeking irrelevant information. CTX further objects to this request as it seeks information protected by the 1st Amendment rights of freedom of religion and freedom of association.

47. Any document reflecting communication between any CTX Board of Regents member, Donald Christian, Christopher Bannwolf, and/or Kristi Kirk regarding the 7-03 task force which ultimately was adopted by Synod at Convention in 2023 and known to be as 7-04B – To Revise Bylaws to Revisit and Renew Relationship of Colleges and Universities with the Synod.

OBJECTIONS: CTX objects to this request as it seeks information protected by the 1st Amendment rights of freedom of religion and freedom of association. CTX further objects to this request to the extent that it covers information protected by attorney-client and/or work product privilege.

48. Communication between any CTX Board of Regents member, Donald Christian, Christopher Bannwolf, and/or Kristi Kirk leading up to and after the adoption of 7-03 at the 2023 Synod Convention – To Call Concordia University Texas Leadership to Repentance.

OBJECTIONS: CTX objects to this request as it seeks information protected by the 1st Amendment rights of freedom of religion and freedom of association. CTX further objects to this request to the extent that it covers information protected by attorney-client and/or work product privilege.

49. Communication between any CTX Board of Regents member, Donald Christian, Christopher Bannwolf, and/or Kristi Kirk leading up to and after the adoption of 7-05A at the 2023 Synod Convention -To Bring Accountability to Concordia Boards of Regents and to Improve Doctrinal Fidelity and Amenability to Ecclesiastical Supervision.

OBJECTIONS: CTX objects to this request as it seeks information protected by the 1st Amendment rights of freedom of religion and freedom of association. CTX further objects to this request to the extent that it covers information protected by attorney-client and/or work product privilege.

50. Communication between any CTX Board of Regents member, Donald Christian, Christopher Bannwolf, and/or Kristi Kirk regarding the topic of an “affiliate” or “agency” model relationship with the Synod.

OBJECTIONS: CTX objects to this request as it seeks information protected by the 1st Amendment rights of freedom of religion and freedom of association. CTX further objects to this request to the extent that it covers information protected by attorney-client and/or work product privilege.

51. Communication or documents between any CTX Board of Regents member, Donald Christian, Christopher Bannwolf, and/or Kristi Kirk related to appointing or electing regents that were not in accordance with the Synod bylaws.

OBJECTIONS: CTX objects to this request as it seeks information protected by the 1st Amendment rights of freedom of religion and freedom of association. CTX further objects to this request to the extent that it covers information protected by attorney-client and/or work product privilege.

52. Communication or documents between any CTX Board of Regents member, Donald Christian, Christopher Bannwolf, and/or Kristi Kirk related to Don Christian’s succession plans.

OBJECTIONS: CTX objects to this request as seeking irrelevant information. CTX further objects to this request as it seeks information protected by the 1st Amendment rights of freedom of religion and freedom of association.

53. Communication or documents between any CTX Board of Regents member, Donald Christian, Christopher Bannwolf, and/or Kristi Kirk relating to the presidential search process.

OBJECTIONS: CTX objects to this request as seeking irrelevant information. CTX further objects to this request as it seeks information protected by the 1st Amendment rights of freedom of religion and freedom of association.

54. Communication or documents between any CTX Board of Regents member, Donald Christian, Christopher Bannwolf, and/or Kristi Kirk relating to the qualifications of a CTX president.

OBJECTIONS: CTX objects to this request as seeking irrelevant information. CTX further objects to this request as it seeks information protected by the 1st Amendment rights of freedom of religion and freedom of association.

55. Communication or documents between any CTX Board of Regents member, Donald Christian, Christopher Bannwolf, and/or Kristi Kirk relating to the CTX withdrawal from the CRP and CDSP.

OBJECTIONS: CTX objects to this request as it seeks information protected by the 1st Amendment rights of freedom of religion and freedom of association. CTX further objects to this request to the extent that it covers information protected by attorney-client and/or work product privilege.

56. Communication or documents between any CTX Board of Regents member, Donald Christian, Christopher Bannwolf, and/or Kristi Kirk relating to the impact of the current lawsuit on enrollment and finances.

OBJECTIONS: CTX objects to this request as seeking irrelevant information. CTX further objects to this request as it seeks information protected by the 1st Amendment rights of freedom of religion and freedom of association. CTX further objects to this request to the extent that it covers information protected by attorney-client and/or work product privilege.

57. Communication or documents between any CTX Board of Regents member, Donald Christian, Christopher Bannwolf, and/or Kristi Kirk relating to Don Christian's salary between 2019 – 2024.

OBJECTIONS: CTX objects to this request as seeking irrelevant information. CTX further objects to this request as it seeks information protected by the 1st Amendment rights of freedom of religion and freedom of association.

58. Communication or documents between Officers or agents of CTX, any CTX Board of Regents member, Donald Christian, Christopher Bannwolf, and/or Kristi Kirk related to the debt with Frost Bank.

OBJECTIONS: CTX objects to this request as seeking irrelevant information. CTX further objects to this request as it seeks information protected by the 1st Amendment rights of freedom of religion and freedom of association. CTX further objects to this request to the extent that it covers information protected by attorney-client privilege.